

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
RC PETITION

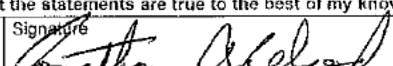
DO NOT WRITE IN THIS SPACE

Case No. 5-RC-256098

Date Filed  
2/11/20

**INSTRUCTIONS:** Unless e-Filed using the Agency's website, [www.nlrb.gov/](http://www.nlrb.gov/), submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. **PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer: VIA Transportation, Inc. [see next page for joint employer]		2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 1179 Lance Road Norfolk, VA 23502	
3a. Employer Representative - Name and Title: Alex Lavoie		3b. Address (if same as 2b - state same): same	
3c. Tel. No. 860-836-1738	3d. Cell No.	3e. Fax No.	3f. E-Mail Address alex@ridewithvia.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) transportation		4b. Principal Product or Service paratransit services	5a. City and State where unit is located: Hampton Roads, Virginia
5b. Description of Unit Involved: Included: All full-time and regular part-time drivers employed by the Employer Excluded: all other employees, guards and supervisors as defined in the Act.			6a. Number of Employees in Unit: 135
6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Check One: <input checked="" type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) 1/29/2020 and Employer declined recognition on or about (Date) 1/29/2020 (if no reply received, so state). <input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.			
8a. Name of Recognized or Certified Bargaining Agent (if none, so state) none		8b. Address:	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any:		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)
9. Is there now a strike or picketing at the Employer's establishment(s) involved? <u>no</u> If so, approximately how many employees are participating? (Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year)			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (if none, so state) none			
10a. Name		10b. Address	10c. Tel. No.
			10d. Cell No.
			10e. Fax No.
			10f. E-Mail Address
11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election:			11a. Election Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail
11b. Election Date(s): March 20, 2020		11c. Election Time(s):	11d. Election Location(s): break room
12a. Full Name of Petitioner (including local name and number): Teamsters Local Union No. 822		12b. Address (street and number, city, State and ZIP code): 5718 Barteet Street Norfolk, VA 23502	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state): International Brotherhood of Teamsters			
12d. Tel. No. 757-461-7172	12e. Cell No. 757-821-1121	12f. Fax No. 757-459-2570	12g. E-Mail Address teamsters822@gmail.com
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title: Jonathan Axelrod		13b. Address (street and number, city, State and ZIP code): 1717 K Street N.W. Suite 1120 Washington, D.C. 20006	
13c. Tel. No. 202-328-7222	13d. Cell No. 202-365-1610	13e. Fax No. 202-328-7030	13f. E-Mail Address jaxelrod@beinsaxelrod.com
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Jonathan Axelrod		Signature 	Title attorney
			Date 2/11/2020

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

## SECOND PAGE OF PETITION

2a. Name of Joint Employer  
HA Transportation Services, LLC

2b. Address of Joint Employer  
135 W. 29<sup>th</sup> Street Suite 500  
New York, NY 10001

3a. Employer Representative  
Chris Forbes, CEO

3.b Address  
same

3c Telephone Number  
888-458-7530

3d. Cell Number

3e. Fax number

3f. Email Address

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**River North Transit LLC and HA Transportation Services,  
LLC**

**Case 05-RC-256098**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Joint Employers are engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

River North Transit LLC, a limited liability company with an office and place of business in Norfolk, Virginia, is engaged in the business of providing transportation services, including at the Hampton Roads Transit Paratransit Service currently located at 420 E. 20<sup>th</sup> Street, Norfolk, VA 23504 and 1031 44<sup>th</sup> Street, Newport News, VA 23607, the only locations involved in this proceeding. In conducting its operations during the 12-month period ending January 31, 2020, River North Transit LLC derived gross revenues in excess of \$250,000, and purchased and received goods or services valued in excess of \$5,000 which originated from points located outside the Commonwealth of Virginia. During this same period of time, River North Transit LLC performed services valued in excess of \$50,000 in states other than the Commonwealth of Virginia.

HA Transportation Services, LLC, a limited liability company is engaged in the business of providing employment services and contract staffing, including at the Hampton Roads Transit Paratransit Service currently located at 420 E. 20<sup>th</sup> Street, Norfolk, VA 23504 and 1031 44<sup>th</sup> Street, Newport News, VA 23607, the only locations involved in this proceeding. In conducting its operations during the 12-month period ending January 31, 2020, HA Transportation Services, LLC derived gross revenues in excess of \$250,000, and purchased and received goods or services valued in excess of \$5,000 which originated from points located outside the Commonwealth of Virginia. During this same period of time, HA Transportation Services, LLC performed services valued in excess of \$50,000 in states other than the Commonwealth of Virginia.

For the purposes of this proceeding before the National Labor Relations Board, including the election to be scheduled based on this election agreement, River North Transit LLC and HA Transportation Services, LLC have been parties to a contract which provides that HA Transportation Services, LLC supplies employees in connection with operating the Hampton Roads Transit Paratransit Service. For the purposes of the National Labor Relations Act only, at all material times, River North Transit LLC and HA Transportation Services, LLC have jointly controlled labor relations policy and administered a common labor policy in connection with operating the Hampton Roads Transit Paratransit Service. Based on these facts, River North Transit LLC and HA Transportation Services, LLC are joint employers of the employees for purposes of the National Labor Relations Act only.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers

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concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE:** March 20, 2020

**HOURS:** Noon – 2:00 p.m. and  
5:00 p.m. – 8:00 p.m.

**PLACE:** The front left garage area of the facility currently located at 420 E. 20<sup>th</sup> Street, Norfolk, VA 23504 and in the driver depot at the facility currently located at 1031 44<sup>th</sup> Street, Newport News, VA 23607

If the election is postponed, canceled, or if the above-named facilities become unusable for any reason, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time drivers employed by the Joint Employers at the facilities currently located at 420 E. 20<sup>th</sup> Street, Norfolk, VA 23504 and 1031 44<sup>th</sup> Street, Newport News, VA 23607; but excluding, all other employees, guards, and supervisors as defined by the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending February 23, 2020**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Joint Employers must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Joint Employers must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties,

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the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Joint Employers must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Teamsters Local Union No. 822 affiliated with the International Brotherhood of Teamsters?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Joint Employers must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Joint Employers must also distribute the Notice of Election electronically, if the Joint Employers customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual(s) will serve as the Joint Employers' designated Notice of Election onsite representative(s): Chris Brower, Chief Operating Officer, HA Transportation Services, LLC, 135 West 29<sup>th</sup> Street, Suite 500, New York, New York. Email: [chris.brower@hireart.com](mailto:chris.brower@hireart.com)

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**12. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

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**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**River North Transit LLC**

(Employer)

**By** /s/ Alex Lavoie 2/27/20  
(Name) (Date)

**Teamsters Local Union No. 822 affiliated  
with the International Brotherhood of**

**Teamsters**

(Petitioner)

**By** /s/ Jonathan Axelrod 2/26/20  
(Name) (Date)

**HA Transportation Services, LLC**

(Employer)

**By** Tanja Thompson 2/26/20  
(Name) (Date)

**Recommended:** /s/ David J. MacIntyre 2/28/2020  
DAVID J. MACINTYRE, Field Examiner  
(Date)

**Date approved:** February 28, 2020

/s/ Sean R. Marshall

**Regional Director, Region 05**

**National Labor Relations Board**